



United States Department of the Interior
Bureau of Land Management



Environmental Assessment UT-060-2005-080

Finding of No Significant Impact and Decision Record

**Red Rock 4-Wheelers Jeep Safari and Fall Campout 5-Year Permit
Renewal and Other Permitted, Non-Competitive Motorized Use of Jeep
Safari Routes**

Location: Grand and San Juan Counties, Utah

U.S. Department of the Interior
Bureau of Land Management
Moab Field Office
Moab, Utah
Phone: (435) 259-2100

Moab Field Office

Finding of No Significant Impact/Decision Record Determination

INTRODUCTION:

The Bureau of Land Management (BLM) has conducted an environmental analysis (EA # UT-060-2005-080) for use of a set of existing routes for the Proposed Action. The project would permit the Red Rock 4-Wheelers to use 29 routes wholly within or starting within the Moab Field Office to conduct an organized group event. Use of these routes for other permitted non-competitive motorized use would also be permitted. The underlying need for the proposal would be met while accomplishing the following objectives:

1. provide for public use and enjoyment
2. minimize impacts to resources from the use of these routes by permittees

There are 29 Jeep Safari routes within or originating within the Moab Field Office. These routes total approximately 600 miles in length. The EA is attached, and incorporated by reference in this Finding of No Significant Impact (FONSI) determination. A no action alternative and Reduced Route alternative were analyzed in the EA.

PLAN CONFORMANCE AND CONSISTENCY:

The proposed action and alternatives have been reviewed and found to be in conformance with the following BLM plan and associated Record of Decision:

Grand Resource Area RMP (July, 1985), page 27. "Continue to issue permits (four wheel drive tours, horseback trips, bear hunting camps, survival school, etc) to enhance outdoor recreational opportunities and provide business opportunities for private enterprise; and continue to permit competitive and non-competitive OHV events."

The decision is consistent with the Grand County General Plan Update (April 2004), which states: "Grand County encourages the expeditious processing of use permits for economic uses of public lands" (page 48) and "Grand County will be involved with public land managers with new and ongoing events and promote cooperation with the permitting process." (page 50)

FINDING OF NO SIGNIFICANT IMPACT DETERMINATION:

Based upon a review of the EA and the supporting documents, I have determined that the project is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27 and do not exceed those effects described in the 1985 Grand RMP/FEIS. Therefore, an environmental impact statement is not needed. This finding is based on the context and intensity of the project as described:

Context: The project is a site-specific action directly involving approximately 600 linear miles of existing routes on BLM administered land. Although these routes are used by many recreationists, permitted motorized use constitutes less than 2% of total use. Permitted motorized use is stipulated, mitigated and controlled, and does not appreciably add to any impacts occurring along the 600 linear miles of Jeep Safari routes.

Intensity: The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27 and incorporated into BLM's Critical Elements of the Human Environment list (H-1790-1), and supplemental Instruction Memoranda, Acts, regulations and Executive Orders. The following have been considered in evaluating intensity for this proposal:

1. Impacts may be both beneficial and adverse. The proposed action would impact resources to a negligible degree as described in the EA. Mitigating measures to reduce impacts to wildlife, cultural, riparian, wilderness and water quality resources were incorporated in the design of the action alternatives. None of the environmental effects discussed in detail in the EA are considered significant, nor do the effects exceed those described in the Grand RMP/FEIS.

2. The degree to which the selected alternative will affect public health or safety. The proposed action is designed to provide permitted motorized recreation opportunities. It is not anticipated that there would be any significant health or safety issues arising from the implementation of the proposed action. No public health or safety issues were identified in scoping.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wilderness, wild and scenic rivers, or ecologically critical areas. The 600 miles of linear route lie adjacent to cultural resources as well as to Wilderness Study Areas. The SHPO has concurred that continued use of these routes has "No Potential to Adversely Affect" cultural resources, including those eligible for listing on the National Register of Historic Places. Six Jeep Safari routes form the boundary of Wilderness Study Areas. The requirement to stay on the road mitigates any potential impacts to the Wilderness Study Areas.

The following Critical Elements of the Human Environment and Other Resource Issues are not affected because they are not present in the project area: Areas of Critical Environmental Concern, Environmental Justice, Prime or Unique Farmlands, and Hazardous Wastes. In addition, the following Critical Elements of the Human Environment and Other Resource Issues, although present, would not be affected by this proposed action for the reasons listed in Appendix A of the EA (Air Quality, Floodplains, Invasive Species, Threatened, Endangered or Candidate Plant Species, eligible Wild and Scenic Rivers). The following Critical Elements of the Human Environment and Other Resource Issues were analyzed in detail in Chapter 4: Threatened, Endangered or Candidate Animal Species, Cultural, Water Quality, Riparian, Wilderness, Wilderness Characteristics, Economics and Recreation. None of these would be significantly impacted because mitigating measures and the resultant stipulations are sufficient to minimize potential impacts.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial. There is nothing in this proposal that is scientifically controversial. The environmental effects of issuing permits for motorized use are well understood and there is no controversy over the nature of the impacts, particularly because of the measures that will be employed to minimize environmental effects.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks. The action is not unique or unusual. The BLM has experience implementing similar actions in similar areas. For instance, the Jeep Safari has had a BLM permit for this type of use since 1985. The environmental effects to the human environment are fully analyzed in the EA. There are no predicted effects on the human environment that are considered to be highly uncertain or involve unique or unknown risks.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The selected alternative neither establishes a precedent for future BLM actions nor represents a decision in principle about future considerations (beyond those actions described in the EA.) The actions considered in the selected alternative were considered by the interdisciplinary team within the context of past, present, and reasonably foreseeable future actions. Significant cumulative effects are not predicted. A complete analysis of the direct, indirect, and cumulative effects of the selected alternative and all other alternatives is described in Chapter 4 of the EA

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts – which include connected actions regardless of land ownership. The interdisciplinary team evaluated the possible actions in context of past, present and reasonably foreseeable actions. Significant cumulative effects are not predicted. A complete disclosure of the effects of the project is contained in Chapter 4 of the EA.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources. The action will not adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor will it cause loss or destruction of significant scientific, cultural, or historical resources. Consultation with the State Historic Preservation Officer (SHPO) has been completed in accordance with Section 106 of the National Historic Preservation Act ; the SPHO has concurred with a “no adverse effect” on cultural resources. (See Appendix H in the EA.)

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973, or the degree to which the action may adversely affect: 1) a proposed to be listed endangered or threatened species or its habitat, or 2) a species on BLM’s sensitive species list. Mitigating measures to reduce impacts to wildlife and fisheries have been incorporated into the design of the action alternatives. Although 12 listed (or proposed for listing) species occupy habitat within the project boundary, it has been determined that they will not be affected because the following mitigating measures have been developed:

Mitigating Measures for Mexican Spotted Owl: If nesting pairs are located within 0.5 mile of a Jeep Safari route, consultation with U.S. Fish and Wildlife Service will be reinitiated, and the route **shall** be closed to permitted use from March 1 through August 31. There will be no pursuit of Mexican spotted owl, and no excessive noise will be allowed in their presence.

Mitigating Measures for Southwestern willow flycatcher: If nesting pairs are located within 0.25 mile of a permitted route, consultation with U.S. Fish and Wildlife Service will be reinitiated, and the route **shall** be closed to permitted use from May 1 to August 15. If Southwestern willow flycatchers are detected, permitted camping **shall** be suspended from May 1 to August 15.

Mitigating Measures for four endangered fish species of the Green and Colorado Rivers: All trips on the following routes will have proper clean up supplies to contain and remove spilled vehicle fluids: Kane Creek Canyon, Hey Joe, Crystal Geyser, Dolores Triangle, Dome Plateau, Moab Rim, Pritchett Canyon, Top of the World, and Long Canyon. Spills in dry drainages on the above routes must also be contained and removed.

Mitigating Measures for Gunnison sage grouse: Should future inventory or monitoring for sage grouse identify areas occupied by the grouse, there will be no permitted camping authorized within these occupied areas.

Mitigating Measures for white tailed prairie dog: All vehicles will be required to observe low speeds on the Dome Plateau route to avoid direct fatality of prairie dogs.

Mitigating measures for bald and golden eagles, ferruginous hawks and burrowing owls: No vehicle or foot pursuit of these birds allowed. No excessive noise in the presence of these birds.

Endangered Species Act Consultation was initiated with the U.S. Fish and Wildlife Service (USFWS) on November 1, 2005; USFWS issued a Biological Opinion on January 19, 2006. The USFWS stated in that Opinion that the proposed action will not affect the black-footed ferret, Gunnison sage-grouse, and Jones cycladenia. USFWS provided a “May Affect but Not Likely to Adversely Affect” opinion on the following species: Colorado pikeminnow, razorback sucker, bonytail and humpback chub or their critical habitat, or the bald eagle. For two species (the Southwestern willow flycatcher and the Mexican spotted owl), the Service’s biological opinion is that the proposed action is not likely to jeopardize the continued existence of these bird, and will not adversely modify or destroy proposed critical habitat for the Mexican spotted owl.

10. Whether the action threatens a violation of a federal, state, local, or tribal law, regulation or policy imposed for the protection of the environment, where non-federal requirements are consistent with federal requirements. The project does not violate any known federal, state, local or tribal law or requirement imposed for the protection of the environment. State, local, and tribal interests were given the opportunity to participate in the environmental analysis process. Letters were sent to 12 Native American tribes concerning consulting party status; only the Zuni tribe responded by asking for a copy of the EA. In addition, the project is consistent with applicable land management plans, policies, and programs.

DECISION:

The decision of the Bureau of Land Management is to select the Proposed Action (as amended below) in the attached environmental assessment (EA) which is to renew the Red Rock 4-Wheelers five year special recreation permit, and to utilize these routes for other non-competitive motorized permits under the authority of the Federal regulations at 43 CFR 8370. Mitigating measures that resulted in additional stipulations are incorporated into this decision based on concerns raised in the EA. The entire set of stipulations (see attached) is included in this decision by reference. Monitoring is also incorporated into this decision based on public concerns raised about the effects of exclusive use on user conflicts, and effects on water quality conditions. Due to resource concerns identified for water quality in Onion Creek, the use of the "Onion Creek Narrows" portion of the Top of the World trail is not authorized. In addition, 3.6 miles of the 3-D route in Tusher/Bartlett Wash (near Highway 191), which was part of the Reduced Route Alternative, is removed from the permit to avoid potential destabilization of floodplains.

Exclusive use on seven routes on days on which Jeep Safari occurs is approved as part of the permit (Behind the Rocks, Cliffhanger, Gold Bar Rim, Golden Spike, Moab Rim, Poison Spider and Pritchett Canyon). One way use for the entire nine-day Jeep Safari is also approved for Kane Creek Canyon, Hell's Revenge and Steelbender. The stipulations attached detail how these actions will be implemented. These actions will minimize congestion, protect resources and reduce user conflict.

Reasonable and Prudent Measures and Terms and Conditions identified by U.S. Fish and Wildlife Service in its Biological Opinion

Reasonable and Prudent Measures to minimize impacts of incidental take to the Mexican spotted owl and Southwestern willow flycatcher are:

1. The BLM shall implement measures to identify suitable and occupied habitats, and occupancy for the Mexican spotted owl and Southwestern willow flycatcher in the proposed action area.
2. The BLM shall implement measures to minimize harm or harassment of the Mexican spotted owl and Southwestern willow flycatcher due to proposed project activities.
3. The BLM shall implement measures to minimize habitat loss and degradation along proposed jeep routes and campground areas.

The BLM will comply with the following Terms and Conditions which implement the Reasonable and Prudent Measures described above. These Terms and Conditions are nondiscretionary and are to be implemented in addition to the Applicant Committed Measures (stipulations).

To implement Reasonable and Prudent Measure 1:

1. Potentially affected habitat will be surveyed according to accepted USFWS protocols for the Mexican spotted owl and Southwestern willow flycatcher. Surveys will be conducted in accordance with schedules outlined in the BLM January 2006 biological assessment. Suitable habitat areas should be re-surveyed every 5-7 years as funding allows to ensure current information on occupancy and habitat conditions.

To implement Reasonable and Prudent Measure 2:

1. A threatened and endangered species education program will be presented to all permitted guides or group leaders anticipated to be within federally listed species habitats during Jeep Safari activities.
2. All permittees shall be informed as to the definition of “take”, the potential penalties (up to \$200,000 in fines and one year in prison) for taking a species listed under the Endangered Species Act, and the terms and conditions provided in the biological opinion.
3. The BLM shall designate an individual as a contact representative who will be responsible for overseeing compliance with the Applicant Committed Measures and terms and conditions contained in the biological opinion, and providing coordination with the USFWS. The representative will have the authority to halt activities which may be in violation of these conditions.
4. If Mexican spotted owl occupancy is determined within 0.5 miles of a proposed route or designated campsite, permitted travel and campground use shall be restricted from March 1 to August 31 within 0.5 miles of the nest site while nesting is occurring.
5. If Southwestern willow flycatcher breeding/nesting territories are identified along or within 0.25 miles of proposed routes, travel and dispersed camping shall be suspended with 0.25 miles of the identified location from May 1 to August 15.

To implement Reasonable and Prudent Measure 3:

1. The BLM shall continue to implement habitat monitoring along designated routes and campgrounds. If route widening or increased habitat degradation is identified, appropriate measures shall be identified and implemented to ensure habitat restoration. These measures may include but are not limited to education, signing, fencing, and temporary closures, or route modifications.

The BLM commits to notifying the USFWS Utah Field Office and its Division of Law Enforcement immediately whenever dead, injured, or sick listed species are located. In addition, the BLM commits to providing Mexican spotted owl and Southwestern willow flycatcher presence/absence surveys or habitat evaluation results to the USFWS’ Utah Field Office. Survey results will be provided no later than December 31 of each year, in accordance with survey permit requirements. Also, any other observations of Mexican spotted owl and Southwestern willow flycatchers within the 0.5 miles of the proposed routes should be immediately reported to the USFWS Utah Field Office.

Authorities: The authority for this decision is contained in 43 CFR 2932.

Compliance and Monitoring:

BLM will monitor motorized permittees for compliance with stipulations. This would include accompanying or encountering permitted trips. Compliance monitoring may include unannounced accompaniments.

Water quality measurements would be monitored throughout the year and would be scheduled to coincide with permitted motorized events when possible.

Wilderness Study Areas would be monitored before and after large organized events to assess if impacts to the Wilderness Study Areas are occurring as a result of the permitted events.

For the Moab Field Office, a sample of eligible cultural sites would be monitored for degradation on heavily used routes over the length of this permit.

Recreation use would be monitored during Easter Jeep Safari for two years on a sample of the routes with exclusive and one-way use in order to ascertain if these actions are effective in reducing user conflict and route widening. In addition, selected Jeep Safari routes would be targeted to determine the ratio of private to permitted use, using statistical sampling techniques and traffic counters.

Mitigating Measures

In addition to the mitigating measures developed for Special Status Species (see page 4 above), the following additional mitigating measures have been developed as part of the proposed action, and are reflected in the attached Stipulations.

Mitigating Measures for Desert Bighorn, Deer, Elk and Pronghorn: No vehicle or foot pursuit of these animals will be allowed. No excessive noise will be allowed in the presence of these animals. In desert bighorn lambing areas (on portions of the Crystal Geyser, Gold Bar Rim, Hell Roaring Rim, Hey Joe, Metal Masher, Secret Spire and Sevenmile Rim routes), vehicles may not stop from April 1 to June 15 (see Map 5: Desert Bighorn Lambing and Jeep Safari Routes for desert bighorn lambing areas). No foot travel or dispersed camping will be allowed in lambing areas.

Mitigating Measures for Kane Creek: To minimize route widening, one-way use of this route will be required for the entire week of Easter; all permittees will be required to avoid vegetation, streambank damage, and road widening; there will be a required review of stipulations with all drivers authorized under the permit; and stream crossings will be kept to the minimum width possible, occur in single file, with crossing occurring perpendicular to the stream channel.

Mitigating Measures for Mill Creek: To minimize route widening, one-way use of this route will be required for the entire week of Easter; all permittees will be required to avoid vegetation, streambank damage, and road widening; there will be a required review of stipulations with all drivers authorized under the permit; and stream crossings will be kept to the minimum width possible, with crossing occurring perpendicular to the stream channel.

Mitigating Measures for Onion Creek: All motorized travel in Onion Creek canyon will be restricted to the county-maintained road. Driving within the stream channel in Onion Creek (in the “Narrows”) will not be allowed; all permittees will be required to avoid vegetation, streambank damage, and road widening; there will be a required review of stipulations with all drivers authorized under the permit; and stream crossings will be kept to the minimum width possible, with crossing occurring perpendicular to the stream channel.

Mitigating Measures for Tusher Canyon: Vehicles wider than 76 inches will be prohibited in Tusher Canyon; all permittees will be required to avoid vegetation, streambank damage, and road widening, necessitating driving within the center of Tusher

Canyon; there will be a required review of stipulations with all drivers authorized under the permit; and stream crossings will be kept to the minimum width possible, with crossing occurring perpendicular to the stream channel

Mitigating Measures for Pritchett Canyon: All permittees will be required to avoid vegetation, streambank damage, and road widening; there will be a required review of stipulations with all drivers authorized under the permit; and stream crossings will be kept to the minimum width possible, with crossing occurring perpendicular to the stream channel.

Mitigating Measures for Wilderness Study Areas: Steel Bender will be one-way for the entire week of Jeep Safari. This will make one-way travel easier for the public to understand. One-way travel on that route would therefore decrease the chances of route widening near the Mill Creek WSA during the entire week.

Mitigating Measures for Cultural Resources: To avoid damaging cultural sites that may be near Jeep Safari routes, the roadbed should not be widened by inappropriate passing or parking. An additional mitigating measure requires that guides be specifically instructed in proper cultural site visitation behavior.

These mitigating measures have been used to develop the Stipulations for Permitted Motorized Use, 2006. These stipulations are attached to this document and incorporated into the decision by reference.

Alternatives Considered: Two alternatives were analyzed in full (Reduced Route Alternative and No Action). Four alternatives were considered, but eliminated from further analysis (Issuing a Ten Year Permit, Issuing a One Year Permit, Eliminating Routes within America's Redrock Wilderness Act, and the SUWA Alternative).

Reduced Route Alternative: The Reduced Route alternative in its entirety was not found to meet the Purpose and Need for the action. The mitigating measures developed for the proposed action fully addressed the impacts to all of the routes with the exception of the Tusher-Bartlett wash (near Highway 191). Impacts to this route were reduced by modifying the proposed action.

No Action Alternative: The No Action alternative is expected to be more impacting than the Proposed Action, because permitted use is more compliant than non-permitted use. Under the No Action alternative, all use would be private use. There would be no opportunity to impose stipulations on or provide education to private users.

Ten Year/One Year Permit Alternatives: The five year permit period has been shown to be effective because it allows for a more timely analysis relative to the changing needs of the recreating public. Should the RMP travel plan fail to designate particular routes, or the RMP revision impose additional restrictions on motorized use, the Jeep Safari SRP and all other commercial and organized group permits will be revised to conform to these new restrictions.

Eliminating Routes Within America's RedRock Wilderness Act: Since existing RMPs and BLM policy do not require the BLM to manage lands other than Wilderness Areas and

Wilderness Study Areas as wilderness resources, this alternative was eliminated from further analysis.

SUWA Alternative Based On Resource Concerns: Where resource issues could be substantiated, routes or portions of routes identified in this alternative were included in the Reduced Route alternative. In many cases, conflicts raised by SUWA could not be adequately supported with data or information to warrant further consideration for inclusion in this alternative. In addition, many of the routes identified by SUWA for deletion from the permit were important in order to meet the Purpose and Need of the applicant.

Rationale for Decision:

The proposed action will provide recreation opportunities to the public and an economic benefit to Grand County. Over 1800 comments were received advocating the positive opportunities the events provide to individuals and families from all over the country. Letters received from local businesses and the Grand County Travel Council indicate how important the events are to many of the local small businesses.

The proposed action is in conformance with Grand Resource Area RMP and no appreciable environmental impacts associated with the proposed action were identified. No impacts were identified largely because the routes utilized by the Red Rock 4-Wheelers and other motorized permittees have been in existence for many years, and permittees ensure that the participants adhere to the requirement of staying on the routes as well as all other stipulations in the permit. BLM monitoring during the last 5 year permit cycle confirms adherence to stipulations.

The public was given an opportunity to raise issues during the scoping period, which was held from May 10 to June 10, 2005. One hundred and seventy six comments were received. This scoping period helped define the issues addressed in the EA. The EA was available for a 30 day public review period from September 29 to October 31, 2005. The EA was posted on the Moab BLM website the day it was released; all scoping participants were informed of its release. A newspaper article was published in both the Moab and Monticello newspapers. Over 2000 comments were received. Comments were received from one Federal agency, one county agency, 22 local businesses, six environmental organizations, 12 OHV clubs and many private individuals.

The BLM's response to comments resulted in editorial changes to the EA. A summary of Comments and Responses is provided in Section 5.3 of the EA.

Public concerns were raised about the potential effects from vehicle travel on water, wilderness, wildlife and riparian resources. The BLM concludes that the mitigating measures attached as new stipulations to the permit will provide sufficient protection to these resources. Should it become apparent that use is resulting in unacceptable environmental impacts, a condition of the permit allows the BLM to change the terms of the permit at any time. Should the current Resource Management Plan revision process

result in a Travel Management Plan that does not designate a permitted route, the permit will be revised immediately so that it conforms to the new RMP and its Travel Plan.

Appeals Language:

This decision to issue the Jeep Safari permit is effective upon the date it is signed by the authorized officer (January 23, 2006). As stated in the regulations (43 CFR 2831.8), the provisions of 43 CFR 4.21(a) do not apply, and the decision shall remain effective pending appeal unless the Board determines otherwise. Within 30 days of receipt of the decision, an appeal must be filed with: Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203. A copy of the notice of appeal must also be filed in this office (Moab Field Office, 82 E. Dogwood, Moab, UT 84532) as well as with: Office of the Solicitor, 125 S. State Street, Suite 6201, Salt Lake City, Utah, 84138. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition for stay pursuant to 43 CFR 3150.2(b), the petition for stay should accompany your notice of appeal and shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of irreparable harm to the appellant or resources if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

/s/ Maggie Wyatt
Field Office Manager (Authorized Officer)

January 23, 2006
Date

Attachments:

Jeep Safari Maps

Response to Comments for EA # UT-060-2005-080

Stipulations for Permitted Motorized Use of Jeep Safari Routes